

Chadds Ford Township Board of Supervisors Meeting
November 10, 2003
M I N U T E S

OFFICIALS PRESENT: James E. Shipley, Chairman
Deborah Love D'Elia, Vice Chairman
George M. Thorpe, Member
Hugh A. Donaghue, Esquire, Township Solicitor
James C. Kelly, Township Engineer
Richard J. Jensen, Building Inspector, CEO
Maryann D. Furlong, Secretary/Treasurer

CALL TO ORDER

Mr. Shipley called the meeting to order at 7:30 PM. The Pledge of Allegiance was recited.

STATE POLICE REPORT

A report was not available, however, Mr. Shipley noted that there had been a number of robberies in the Township recently, both residential and commercial, and had subsequently heard that the Pennsylvania State Police will be directing more patrols throughout the Township. Mr. Shipley specifically noted that a robbery and assault had occurred in the Ringfield development during daylight hours, but was pleased to report that the assailants had apparently been apprehended.

PUBLIC COMMENT – CHADDS FORD RESIDENTS

Phil Wenrich, President of the Chadds Ford Civil Association, announced that the annual meeting of the Association will be held on Wednesday, November 12th, 7:00 PM, at the Brandywine River Museum. All Chadds Ford Residents are invited to attend. Refreshments will be served.

Mr. Shipley announced that a meeting with Toll Brothers regarding Camp Sunset Hill has been scheduled for Monday, November 17, 2003, 7:00 PM, at St. Cornelius' Walker Hall. The purpose of the meeting will be to determine the sentiment of the community so that the Supervisors can proceed to make a determination as to the proposed land development. Mr. Donaghue stated that Toll Brothers had delivered two sets of proposed subdivision plans to the Township on Monday, November 10th. Chadds Ford resident Ann Pounds asked how local residents can best insure that buffer zones and open space will be included in subdivision plans. Mr. Shipley replied that Planning Commission members will consider those issues as part of the normal review process and that the PRD plan does include 80 – 100 acres of open space. Ann Bellee McLaughlin asked the Township to mail notices to all residents regarding the time and place of the meeting. Mr. Shipley replied that the suggestion would be taken under advisement. Mrs. Force suggested that a developer might not be permitted to submit two applications at one time under the Municipal Planning Code. Mr. Donaghue replied that same was permitted.

APPROVAL OF MINUTES – September 8, 2003 and October 1, 2003

Mr. Shipley stated that Mr. Thorpe had not had adequate time to review the September Board of Supervisors minutes prior to the October meeting, thus both September and October Board minutes would be approved tonight.

MOTION TO APPROVE MINUTES OF SEPTEMBER 8, 2003 and October 1, 2003

Upon motion and second (D'Elia, Thorpe) the Board of Supervisors approved the minutes of the September 8, 2003 meeting, draft dated November 10, 2003, which included revisions by Mr. Thorpe, and also approved minutes of the October 1, 2003 meeting, draft dated 10/10/03.

REPORTS

SUPERVISORS' REPORT

Mr. Thorpe noted that on October 27th both he and Mrs. Love D'Elia had attended the Chadds Ford Property Planning Workgroup. All three Supervisors had been together on November 7th and November 10th to work on the proposed 2004 Budget.

TREASURER'S REPORT

Mrs. Furlong reported the following balances as of October 31, 2003:

Total all funds:	\$ 888,043.96
Total all deposits to General Fund:	\$ 109,828.13
Total disbursements General Fund:	\$ 94,599.20
Total disbursement Escrow Fund:	\$ 6,758.30

MOTION TO APPROVE TREASURER'S REPORT

Upon motion and second (Shipley, Thorpe), the Board of Supervisors voted to approve the Treasurer's Report for September, 2003, and authorized the payment of bills in the amount of \$94,599.20, as listed in the Disbursement Report dated October 1, 2003, with the amount of \$2500, payable to John Milner, AIA, to be transferred from the Building Fund. Funds for all future bills for Turner's Mill are also to be transferred from the Building Fund to the General Fund for payment.

ROADMASTER REPORT

Mr. Prabel presented the Roadmaster's report for the month of October, 2003, a copy of which is attached hereto.

Ann Pounds reminded Mr. Prabel that cinders and sand need to be placed on the corner of Summit Drive for use by the residents in icy weather.

Karen Johnson, as well as others, asked Mr. Prabel to look into removal of the "box" on Ridge Road.

PLANNING COMMISSION

Mr. Taylor presented Planning Commission minutes for the meeting of Wednesday, October 29, 2003, a copy of which follows.

ZONING HEARING BOARD

Mr. Wandersee had submitted a report that there had been no applications, thus no meeting during the month of October. Mr. Jensen stated that a variance application

recently had been submitted by Family Chrysler Jeep regarding signage and reviewed the specifics of the request. Mr. Jensen had denied both applications previously. After discussion, Board members decided to oppose the variance application.

MOTION TO OPPOSE ZONING VARIANCE REQUEST – FAMILY CHRYSLER JEEP

Upon motion and second (Shipley, Thorpe), the Board of Supervisors unanimously moved to oppose the variance request of Family Chrysler Jeep regarding signage and directed the Township Solicitor to attend the hearing scheduled for November 19, 2003.

HARB

There was no report available.

SEWER AUTHORITY

Mr. Murray thanked all members of the Civic Association who had helped with the Fall Cleanup Day in Chadds Ford Township. Fisher Carpet had donated the use of their dumpsters for the bags of trash. Mr. Murray proceeded to present the Sewer Authority's report for October, 2003, a copy of which is attached hereto.

Pursuant to a comment by resident Ann Pounds, Mr. Shipley, Mr. Jensen and Mr. Murray discussed an article that had appeared in the Chadds Ford Post regarding stream discharge in East Marlborough Township and possible application to sewage treatment in Chadds Ford.

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER

Mr. Jensen reported as to the number of permits that had been issued during the month of October, 2003. A written report reflecting same has been submitted. Mr. Jensen also submitted an estimate from Chadds Ford Painting for work on the Township Building. The Supervisors were all in agreement proceed with the work on the Township building.

TOWNSHIP ENGINEER

Mr. Kelly presented the Engineer's report dated November 10, 2003, a copy of which follows.

MOTION TO APPROVE ESCROW RELEASE Number 1

Upon motion and second (Thorpe, D'Elia), the Board of Supervisors moved to approve the reduction in the Letter of Credit for Osborne Place Associates – Atwater Road in the amount of \$62,408.66, with the balance to be \$54,131.53, all other terms and conditions to remain the same.

OPEN SPACE COMMITTEE

Mrs. Love D'Elia presented the report that had been prepared by Chairman Debbie Reardon, a copy of which follows.

TOWNSHIP PROPERTIES COMMITTEE

Mr. Thorpe reported that Committee members had met on October 27th to review information submitted by Kathy Wandersee and Susan Hauser regarding signage at Mother Archie's Church. The Committee approved the Spencer Company to prepare a layout for the sign. Posts and pavers have been installed for the parking area and some minor

paving work has been done. Verizon has also planted some deer resistant shrubbery.

Mr. Milner had submitted a proposal regarding a cost estimate for the Turner's Mill renovation. The proposal should be ready in approximately two weeks.

MOTION TO APPROVE ARCHITECT'S FEES – TURNER'S MILL

Upon motion and second (Thorpe, D'Elia) the Board of Supervisors unanimously approved an expenditure not to exceed \$6200 to John Milner, AIA, for a cost estimate for the Turner's Mill renovation.

EMERGENCY MANAGEMENT COORDINATOR

Mr. Wenrich reported that all was well in the Township.

FINANCIAL ADVISORY BOARD

Ms. Love D'Elia stated that there had been no meeting during October.

OLD BUSINESS

RAVEN'S CREST SEWER EXTENSION – RESOLUTION 2003-23 for Plan Revision for a Sanitary Sewer Extension

Mr. Shipley stated that this matter had been postponed from a previous meeting so that the Township Engineer and Township Solicitor could address questions that had been received from residents regarding the extension. Mr. Kelly stated that the document first submitted for public review had been revised. Engineers from Kelly Engineers and Angelika Forndran, PE, Sewer Authority Engineer, had reviewed comments and had addressed concerns voiced therein. Mr. Kelly proceeded to review testing results and reports that substantiated the poor soil conditions in the area. Specific answers to each of the comments in the letters had been included in the revised report. Ms. Forndran reviewed work that had performed regarding the capacity of the treatment plant and the type of system that would be built. Mr. Murray added that residents both inside and outside of the proposed sewage area have failed systems and that in his opinion, the expansion should proceed.

Mr. Paul asked if copies of the report would be available to the public and Mr. Thorpe asked if individual responses had been sent to those residents who had written letters. Mr. Kelly responded that a copy of the entire DEP application will be available for review both at the Township building and the offices of Kelly Engineers. Mr. Thorpe stated that it might be possible that those residents still do not have the answers to their concerns if they are not in attendance at tonight's Township meeting.

Mr. Shipley stated that Board members felt that all questions should be addressed prior to moving forward with the Resolution as the next step in the process of approving the Raven's Crest extension. Mr.

Donaghue stated that prior to the actual design of the system there will be further public hearings providing more opportunities for the public to voice any concerns. Mr. Thorpe suggested that residents review the documentation that had been prepared by the engineers. Mr. Kelly further stated that the resolution being considered tonight would designate the area as part of the Act 537 planned sewage area rather than on lot disposal systems.

MOTION TO ADOPT RESOLUTION 2003-23 FOR MINOR ACT 537 UPDATE PLAN REVISION FOR A SANITARY SEWER EXTENSION

Upon motion and second (D'Elia, Thorpe), the Board of Supervisors adopted Resolution 2003-23 for Minor Act 537 Plan Revision for a Sanitary Sewer Extension which will designate Raven's Crest as a planned sewer service area.

On a different matter, Mr. Kelly commented that he had not had a chance to gather all necessary information as requested by DEP regarding the Route 202 and Spring Hill Farm area. However, DEP had granted an extension until December 11, 2003 to provide the data.

NEW BUSINESS

ORDINANCE 102 – AMENDING PBC and POC

A public hearing had been held at 7:00 PM this evening, immediately prior to the Board of Supervisors' meeting, wherein Donald T. Petrosa, Esquire, had presented information regarding the proposed amendment to the Township's zoning ordinances. Mr. Shipley asked if there was any further comment. There was none.

MOTION TO ADOPT ORDINANCE 102

Upon motion and second (Shipley, Thorpe), the Board of Supervisors unanimously voted to approve Ordinance 102 amending the code of ordinances of Chadds Ford Township, Chapter XII, zoning of the code of ordinances, by amending Section 62, PBC – Planned Business Districts, by amending Section 12.62(b)(3) conditional uses, by adding a new subsection 12.62(b)(3)(vii) providing for educational, philanthropic and religious uses; and by amending Section 63, POC – Planned Office Center District, by amending Section 12.63(b)(3) conditional uses, by adding a new subsection 12.63(b)(3)(ii) providing for educational, philanthropic and religious uses.

Mr. Donaghue stated that since the zoning had now been amended, Mr. Petrosa was present to submit a first amendment to the declaration of covenants, conditions and restrictions with respect to the properties known as Lots 2 and 4 on the Brandywine Drive. Mr. Donaghue suggested that the Board consider adopting the amendment at a public meeting scheduled for Monday, November 17, 2003, after review by the solicitor and legal advertising by the Township Secretary. Mr. Shipley asked Mr. Donaghue and Mr. Petrosa to prepare the necessary documents.

PROPOSED 2004 BUDGET

Mrs. Love D'Elia presented the proposed 2004 Township budget and reported that the chart of accounts had been expanded to include specific line items, however, due to copying limitations, the figures on the presentation board were difficult to see. The Supervisor invited residents to come up to view the board after the meeting, and also stated that a copy of the 2004 Budget will be available for review both in the display case outside the building and on file with the Township Secretary.

Mrs. Love D'Elia had prepared and distributed summaries of proposed changes to the 2004 annual tax rate, a copy of which follows. The proposal is as follows:

- Millage for General Expenses is to remain unchanged at .20 mills with the Township operating on the same or a decreased budget for the past twelve years.
- There had been an overwhelming response in favor of the library referendum, with the vote some 465 to 121 in support of designating .012 mills for that purpose.
- A new capital improvement tax of .07 mills will be levied to assist in the future renovation/conversion of Turner's Mill into a new Township Hall. Mr. Shipley stated that he is convinced that the Township needs to proceed, rather than wait, to start financing the proposal. Mrs. D'Elia reported that the capital improvement tax, which is to have a limited life, will collect approximately \$30,000 during 2004 for this purpose.
- Millage for fire and protective services has been raised to .075 mills to match the actual annual contribution to the Concordville Fire Company.

Mrs. Love D'Elia reported that although the tax increase is substantial percentage wise, the actual dollar increase per household is still rather modest being \$9.20 per \$100,000 in assessed value. Resident Susan Darrow asked if taxes will have to be increased in subsequent years if the Township incurs debt to build. Mr. Shipley replied that the Supervisors will proceed to establish a Capital Improvement Budget to project such possible expenses after Mr. Milner has submitted a cost estimate.

MOTION TO AUTHORIZE TOWNSHIP SECRETARY TO ADVERTISE THE 2004 PROPOSED BUDGET

Upon motion and second (Shipley, Thorpe), the Board of Supervisors directed the Township Secretary to advertise the proposed 2004 Budget as being available for inspection and planned adoption at the Board of Supervisors meeting to be held on December 3, 2003.

AGREEMENT FOR INSTALLATION AND MAINTENANCE OF HOLDING TANKS – REFLECTIONS SALON & SPA

Ms. Love D'Elia stated that she would recuse herself from participating in any discussions regarding Reflections Salon & Spa. Mr. Donaghue presented a proposed Operation and Maintenance Agreement for Reflections to the Board for consideration. Mr. Shipley explained that if the owner does not adequately maintain the tanks, the Operation and Maintenance agreement gives the Township authority to have the pumping done. Resident Fred Reiter asked if the tanks would be used only for chemicals from the salon. Mr. Donaghue replied the wastewater would result from rinsing hair, etc., and would not be mixed with sewage or drinking water.

MOTION TO APPROVE OPERATION AND MAINTENANCE AGREEMENT – REFLECTIONS SALON & SPA

Upon motion and second (Shipley, Thorpe), the Supervisors approved the agreement for Installation and Maintenance of holding tanks between Chadds Ford Township and Reflections Salon & Spa. Mrs. Love D'Elia abstained from the vote.

LICENSE APPROVAL FOR REFLECTIONS SALON and SPA

Mr. Jensen stated that applications from two massage therapists had been received seeking licenses to work at Reflections Salon & Spa. Mr. Jensen further stated that the licenses will be issued jointly, to the salon and the massage therapists, in accordance with Chadds Ford Township Ordinance 64(P). Mr. Shipley asked Kelly Clark, a partner in the business located on Route 202, to explain how the salon and spa will operate.

Ms. Clark explained that the salon and spa will offer full salon services, including hair, makeup, and massage therapy. Mr. Thorpe questioned the hours of operation. Ms. Clark responded Tuesdays, 10-5; Wednesdays, 10-8; Thursdays, 10-8; Fridays, 10-5, and Saturdays, 9-2. The salon will be closed on Sundays and Mondays.

Mr. Shipley asked if the applicant was aware of local restrictions regarding massage. Ms. Clark had not read the local ordinance. Mr. Jensen provided Ms. Clark a copy of Ordinance 64(P) for her review. Both massage therapists were present. Joseph Sharlip reviewed his own qualifications, stating that he had graduated from a certified program, would provide the Township with copies of his certificates and insurance information, and planned to conduct massage in accordance with serious industry standard, including the code of ethics. Wende M. Yeager stated that she has been a masseuse for twenty years.

Mr. Shipley, Mr. Thorpe and Mr. Jensen continued to question Ms. Clark and the massage therapists. Mr. Shipley said that in recognizing the principle owners involved in Reflections his concerns regarding the massage therapy becoming unprofessional were muted, however, he felt it important that the applicant know the specifics of the ordinance. Mr. Thorpe reiterated those sentiments and was satisfied that the massage therapy would be appropriate.

MOTION TO APPROVE MASSAGE LICENSES OF REFLECTIONS SALON

Upon motion and second (Shipley, Thorpe), the Supervisors approved the licensing of Wende Yeager and Joseph Ivan Sharlip to work as massage therapists at Reflections Salon. Mrs. Love D'Elia abstained from the vote.

AUTHORIZATION TO ADVERTISE CHESTER CREEK STORMWATER ORDINANCE 103

Mr. Donaghue advised the Supervisors that work was progressing with the proposed ordinance and suggested authorizing the Township Secretary to place the necessary legal advertisements so the ordinance

may be considered for adoption at a subsequent meeting. Mr. Kelly advised that the Township will be establishing conditions for a stormwater management plan for the Chester Creek watershed in accordance with Act 167.

MOTION TO AUTHORIZE ADVERTISEMENT OF ORDINANCE 103

Upon motion and second (Shipley, Thorpe), the Board of Supervisors authorized the Township Secretary to place the necessary legal advertisement regarding Act 167- Chester Creek Watershed.

RELEASE OF ESCROW MONIES – VARIOUS PROJECTS

After reviewing financial records for outstanding payments and the status of the appeals with Mr. Jensen, Mrs. Furlong recommended the release of escrow funds in the following amounts, subject to the payment of outstanding invoices:

518.31	Parkside Associates	ZHB Escrow	\$ 700.00	Refund amount: \$
435.18	Garnet Ford	ZHB Escrow	\$ 700.00	Refund amount: \$
525.03	Wawa, Inc.	ZHB Escrow	\$ 700.00	Refund amount: \$
426.22	Manin & Waitz	ZHB Escrow	\$ 700.00	Refund amount: \$
491.54	Garnet VW	ZHB Escrow	\$ 700.00	Refund amount: \$
462.02	William G. Day	ZHB Escrow	\$ 700.00	Refund amount: \$

MOTION TO APPROVE RELEASE OF ESCROW FUNDS

Upon motion and second (Thorpe, D'Elia), the Board of Supervisors unanimously approved the release of escrow funds in the amounts listed above, subject to the payment of outstanding invoices.

RESIGNATION – JAMES E. SHIPLEY

Mr. Shipley announced his resignation from the Board, effective December 3, 2003, at 7:30 PM. The Supervisor and his wife have been residents of the Township for the past thirty years. Mr. Shipley will be relocating to Delaware and unable to serve out the remainder of his term.

Ms. Love D'Elia stated that it had been a pleasure to serve with Jim, who had been a good mentor. Mr. Thorpe remembered that Mr. Shipley had also served as a member and chair of the Zoning Hearing Board and President of the Civil Association. Mr. Thorpe further stated that the Board had grown in harmony over the last few years, starting out with some misunderstandings, and it was unfortunate that Mr. Shipley was leaving at a time when current Board members share a vision for the direction of Township in future. Mr. Shipley replied that he will be sorry to miss the excitement of a new Township Hall.

The remaining Supervisors will appoint to fill the vacancy at the December meeting. Mr. Thorpe and Ms. Love D'Elia will entertain letters of interest submitted prior to November 21st.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:47 PM.

Respectfully submitted,

MARYANN D. FURLONG,

Township Secretary